**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION No. 17183 of 2005**

**Dt:31.01.2006**

**Between:**

**M.Venkatram Reddy**

**.. Petitioner**

**and**

**The Collector and others**

**.. Respondents**

**ORDER:**

The petitioners herein claim to be the members of Pitlam Primary Agricultural Credit Society (for short 'Pitlam Society'). The first respondent herein by a notification, dated 21.06.2005, issued under Section 15-(1) (e) of the Andhra Pradesh Cooperative Societies Act, 1964, read with G.O.Ms.No.82 Food & Agriculture (Coop.IV) Department, dated 16.02.1987, proposed to amalgamate the non-viable societies in Pitlam Mandal with the Pitalm Society, which was identified as focal non-viable society. In the annexure appended to the said notification, it was shown that all the non-viable societies specified there under will be merged with the Pitlam Society and accordingly objections or suggestions were invited from the societies, members, depositors or other persons concerned with the affairs of each such society within 21 days. It appears that the said society has passed a resolution on 24.06.2005 welcoming the proposal made in the notification dated, 21.06.2005.

However, surprisingly, a final order was passed on 25.07.2005 by the first respondent, where under, merging of the identified non-viable societies was ordered with Chillargi PACS, which was identified as focal non-viable society. Aggrieved by the said order, this writ petition is filed.

The petitioners allege that the impugned order was passed due to political pressure and against the interest of the Pitlam Society and its members. It is also alleged that the village Chillargi which is about 13 to 14 kms away from Pitlam is inaccessible with no facilities. Hence, there was absolutely no reason to identify Chillargi PACS as the focal point non-viable society.

The petitioners contend that since in the notification, dated 21.06.2005,it was proposed that the non-viable societies in Pitlam Mandal would be merged with the Pitlam Primary Agricultural Credit Society, which was identified as focal non-viable society, but contrary to that since the merger was ordered with Chillargi PACS, there was no opportunity to the petitioners and other members of Pitlam PACS to raise their objections, and thus impugned order being in violation of the principles of natural justice, is arbitrary and illegal.

Having heard the learned counsel for both the parties and having perused the counter-affidavit filed by the first respondent
and other material on record, I find force in the contentions raised by the petitioners. Admittedly, in the notification, dated 21.06.2005, it was proposed that the non-viable societies would be merged with Pitlam PACS, which was identified as focal non-viable society.

In view of the above said admitted fact, the impugned notification, dated 25.07.2005, is evidently in violation of the fundamental principles of natural justice, since there was no opportunity to the petitioners and other members of PACS to raise their objections against the merger with Chillargi PACS.

It is also represented by the learned counsel for both parties that so far, the respondents have not acted upon the impugned notification, dated 25.07.2005 and the merger has not yet been effected.

In the circumstances, I deem it appropriate to set aside the impugned proceedings, dated 25.07.2005, and dispose of the writ petition granting liberty to the first respondent to issue a fresh notification under Section 15(1) (e) of the Andhra

Pradesh Cooperative Societies Act, 1964, in accordance with law in which event, it is open to the petitioners to submit all the objections as available under law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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31.01.2006

Note: Issue C.C. in three days.

(B/o)

kdl